

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

LIFE INSURANCE COMPANY OF NORTH
AMERICA,

Plaintiff,

v.

JANET WAGNER and CONRAD TRUMAN,

Defendants.

**ORDER DENYING CONRAD TRUMAN'S
MOTION FOR SUMMARY JUDGMENT**

Civil No. 2:15-cv-00505-BSJ

Judge Bruce S. Jenkins

This insurance interpleader action is presently before the court on Conrad Truman's Motion for Summary Judgment ("Motion").¹ Janet Wagner filed an Opposition and Mr. Truman filed a Reply.² The court heard oral argument on the Motion on January 18, 2019.³ The court requested and reviewed supplemental briefing submitted by the parties.⁴

The court will deny Mr. Truman's Motion because there exist disputes of material, even fundamental, facts. Mr. Truman and Ms. Wagner agree that the central issue in this case is whether Mr. Truman committed a disqualifying homicide that precludes him from receiving the insurance benefits deposited with the court.⁵ It is undisputed that that the insured, Heidy Truman, died from a contact gunshot wound to her right temple when she was home alone with Mr. Truman.⁶ The parties disagree about whether Heidy shot herself, or Mr. Truman shot her.⁷

¹ ECF No. 75.

² ECF Nos. 88, 108.

³ Min. Entry Jan. 18, 2019 (ECF No. 114).

⁴ ECF Nos. 113, 117–18.

⁵ See Mr. Truman's Suppl. Mem. Supp. Mot. Summ. J., 5 (ECF No. 117).

⁶ See Mr. Truman's Reply Janet Wagner's Mem. Opp. Mot. Summ. J. 5–6 (ECF No. 108).

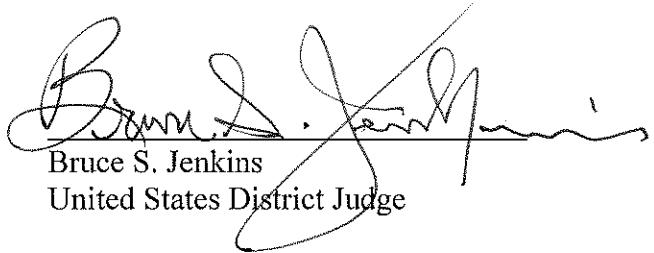
⁷ Janet Wagner's Mem. Opp. Mot. Summ. J., 29 (ECF No. 87).

For purposes of the present motion, Mr. Truman does not dispute⁸ that he thanked police officers for “responding to Heidy’s ‘murder,’” and told officers repeatedly that Heidy was murdered and would never hurt herself.⁹ Further, responding officers found Mr. Truman intoxicated and in a “state of rage.”¹⁰ He threatened to kill paramedics, responding officers (along with everyone one officer knew), and threatened to “blow [the 911 dispatcher’s] fucking head.”¹¹ Mr. Truman assumed a fighting stance and threatened to punch an officer in the face.¹² He picked up a pistol at the scene, yelled at it, and threw it against a wall.¹³ The court finds that a reasonable fact finder could agree with Ms. Wagner and find that an intoxicated and violent Mr. Truman fired the fatal shot. While “disputed facts,” when contrasted with subsequent assertions, do not tell the entire story, they provide a sufficient factual basis for Ms. Wagner to survive summary judgment.

Based on the foregoing, the court **DENIES** Mr. Truman’s Motion for Summary Judgment. The court **FURTHER ORDERS** the parties appear at a status and scheduling conference at 11:00 a.m. on February 22, 2019.

Dated this 15th day of February 2019.

By the Court:



Bruce S. Jenkins
United States District Judge

⁸ See Mr. Truman’s Reply Janet Wagner’s Mem. Opp. Mot. Summ. J. 2 (ECF No. 108)

⁹ Janet Wagner’s Mem. Opp. Mot. Summ. J., 9–10 (ECF No. 87).

¹⁰ *Id.* at 7.

¹¹ *Id.* at 4–7.

¹² *Id.* at 8.

¹³ *Id.* at 7.